2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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France's action against proliferation

Working paper submitted by France

> "Proliferation of weapons of mass destruction [...] constitutes a threat to international peace and security"
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> This principle, first proclaimed in 1992, enshrined in Security Council resolution 1540 (2004), was strongly reaffirmed by the United Nations Security Council at its meeting of Heads of State and Government on 24 September 2009, when it unanimously adopted resolution 1887 (2009).

Bringing an end to the proliferation of nuclear, chemical and biological weapons and their means of delivery is a priority:

- Proliferation weakens the global security architecture
- It increases the risk of diversion by terrorist groups
- It undermines mutual trust and hinders the development of international cooperation in the peaceful uses of nuclear energy, to the detriment of the vast majority of States that are abiding by their obligations in good faith
- It is also likely to slow down disarmament efforts, including nuclear disarmament efforts.

Combating proliferation is therefore vital to the security of all.

Aware of the challenges to the international non-proliferation regime, based on the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), and to regional and collective security, France is strongly committed to combating proliferation.

> "In the face of proliferation, the international community must remain united [and] resolute. Because we want peace, we must show no weakness to those who violate international rules. But all those who

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abide by them are entitled to fair access to nuclear energy for peaceful purposes."

Nicolas Sarkozy, President of the French Republic, Cherbourg speech, 21 March 2008

1. Responding resolutely to proliferation crises

France, which supports the role of the United Nations Security Council in maintaining international peace and security, is using all the means at its disposal to assist in resolving the proliferation crises currently facing the international nuclear non-proliferation regime in the Islamic Republic of Iran and the Democratic People's Republic of Korea. Together with its partners in the group of six (China, Germany, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America), it continues to pursue a diplomatic solution to the Iranian nuclear issue through a dual-track approach that combines dialogue with firmness.

A prompt, determined and credible response from the international community to these proliferation crises is vital to preserving the Non-Proliferation Treaty — the bedrock of the collective security system — to ensure the continued confidence of States parties in the Treaty's ability to ensure their security, and to prevent other countries from developing nuclear activities for non-peaceful purposes.

2. Strengthening the international non-proliferation regime

France supports the efforts of the International Atomic Energy Agency (IAEA) to keep its safeguards system completely credible and effective.

- It ensures that the Agency has sufficient human, financial and technical resources to fulfil its verification mission effectively. In that regard, it provides the Agency with expertise and technical assistance.

France's total contribution to the IAEA budget in 2009 was €23 million, consisting of:

- €17 million to the regular budget
- €4 million in voluntary contributions
- €2 million to other budgets (financial contributions and contributions in personnel)

- France supports the universalization of the additional protocol, which broadens the Agency's scope of investigation and is the only way to give the Agency all the verification resources it needs. France itself signed an additional protocol in 1998.

> "Without the additional protocol, we cannot really fulfil our mission in a credible manner"
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> Director General of IAEA, Board of Governors, June 2009

Export control — a key tool in combating proliferation

- France supports various supplier country informal groups: the Nuclear Suppliers Group (NSG), the Australia Group, the Zangger Committee, the Missile Technology Control Regime (MTCR), for which it provides the permanent secretariat.
- It enforces strict national controls. Under European regulations, the recommendations of the different supplier groups are directly applicable in national law.
- It is committed, within the framework of NSG, to the adoption of stricter criteria for the export of technologies for the enrichment and reprocessing of spent nuclear fuel, which are particularly sensitive.

Support for nuclear-weapon-free zones: in addition to the Antarctic Treaty of 1959, France is party to the additional protocols to the Treaty of Tlatelolco (ratified in 1974 and 1992), the Rarotonga Treaty (ratified in 1996) and the Pelindaba Treaty (ratified in 1996). It supports the goal of establishing a zone free of weapons of mass destruction and their means of delivery in the Middle East.

> 100 States. France has given negative security assurances to around 100 States in the context of the protocols to treaties establishing nuclear-weapon-free zones.

France participates in the international monitoring system for the Comprehensive Nuclear-Test-Ban Treaty (CTBT). In that regard, it manages 24 monitoring stations.

3. Specific measures to prevent and check proliferation flows

Stemming from its firm belief that international standards should be effectively implemented by all, France attaches particular importance to strengthening specific measures to prevent and check proliferation. Such measures would include tighter export controls, protection of the most sensitive scientific and technical assets, prevention of proliferation flows and criminalization of proliferation-related activities and proliferation financing.

France is strengthening its domestic counter-proliferation legislation:

- A draft law which would strengthen the legal means for combating proliferation, including by criminalizing the financing thereof, is currently before the French Parliament.

- The aim of an interministerial instruction issued in March 2009 is to strengthen the effectiveness of the Government's counter-proliferation efforts by improving coordination among the ministries and involving all the relevant departments and agencies;

- An overhaul of the dual-use items control mechanism is also under way.

France supports the scaling up of concrete action by the European Union. During its presidency of the European Union, France promoted the adoption, in December 2008, of the "New lines for action by the European Union in combating the proliferation of weapons of mass destruction and their delivery systems", which empower the European Union to act in these different areas.

> 500 civil servants have been trained in non-proliferation issues over the past 10 years. France is helping to provide high-level training for European Union member States, in accordance with the New lines for action by the European Union in combating the proliferation of weapons of mass destruction and their delivery systems.

France participates actively in many international initiatives to combat proliferation, including:

- The promotion and implementation of Security Council resolution 1540 (2004), which requires all States to strengthen their national non-proliferation measures;

- The Proliferation Security Initiative (PSI), which aims to interdict weapons of mass destruction-related shipments;

- The Global Initiative to Combat Nuclear Terrorism (GICNT), which includes regularly carrying out exercises to test international coordination in the event of a terrorist attack;

- The Global Partnership against the Spread of Weapons and Materials of Mass Destruction, launched by the Group of Eight in 2002, to reduce the threat arising from the stockpiles of non-conventional weapons in the former Soviet Union;

- The ongoing work of the Financial Action Task Force on Money Laundering (FATF) on the suppression of proliferation financing.

4. Proposals of France and its European partners:

- Resolute action in response to proliferation crises, in particular in the Islamic Republic of Iran and the People's Democratic Republic of Korea;

- Determination of the consequences of a State's non-compliance with its non-proliferation obligations under the Treaty, and of withdrawal from the Treaty, including suspension of nuclear cooperation and transfers;

- Promotion of the universalization of the Treaty;

- Universalization and strengthening of the IAEA safeguards system, in particular through the universal adoption of the additional protocol;

- Improvement of nuclear security and of physical protection of nuclear material and the minimization, wherever technically and economically feasible, of the use of highly enriched uranium in peaceful nuclear activities, with a view to preventing illicit trafficking and nuclear terrorism;
- Strengthening of export controls, including of sensitive nuclear material and technology, and development of technical cooperation and assistance activities to this end;
- Cooperation to develop multilateral nuclear fuel supply assurance schemes;
- Adoption of criminal sanctions against acts of proliferation and development of assistance to countries and to public and private actors, with a view to raising awareness of that issue;
- Resolute international and national efforts to combat proliferation financing;
- Adoption of measures to manage and monitor intangible transfers of knowledge and know-how, including mechanisms of cooperation in terms of consular vigilance;
- Development of proliferation-resistant technologies;
- Call upon all States to sign and implement the International Code of Conduct against Ballistic Missile Proliferation (ICOC), adopted at The Hague.